

REMARKS

Claims 1-5 are all the claims pending in the present application. Applicant thanks the Examiner for indicating that claims 3-5 are allowed. In summary, the Examiner maintains his previous prior art rejections and adds a few new arguments in the *Response to Arguments* section of the Office Action. Specifically, claim 1 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Traxler et al. (U.S. Patent No. 5,720,160) in view of Muszynski (U.S. Patent No. 5,814,908). Claim 2 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Traxler et al. in view of Muszynski and further in view of Millman (U.S. Patent No. 3,690,317).

§103(a) Rejection (Traxler / Muszynski) – Claim 1

With respect to claim 1, Applicant previously argued, in part, that the applied references do not disclose or suggest at least, “cooling wind producing means for producing cooling wind of a low temperature with using a driving force of said rotary member,” as recited in claim 1. The Examiner acknowledges that the primary reference of Traxler does not disclose the above-quoted feature, however the Examiner believes that Muszynski discloses this feature. The claimed cooling wind producing means constitutes the magnetic bearing apparatus; the claimed rotary member also constitutes the magnetic bearing apparatus. As indicated in the above-quoted feature, a driving force of the rotary member (which constitutes the magnetic bearing apparatus) is used to produce cooling wind of a low temperature. Muszynski is directed to a separate apparatus for providing ventilating air into a housing of a separate and different electric machine. Although Muszynski does discuss a rotary member, said rotary member of Muszynski does not constitute a magnetic bearing apparatus, as the apparatus of Muszynski is an entirely separate mechanism for providing ventilating air into a housing of another machine. Combining

Muszynski with Traxler would simply produce a magnetic bearing apparatus with a separate apparatus for providing ventilation to said magnetic bearing apparatus. Therefore, clearly the production of cooling wind would not be based on a driving force of a rotary member that constitutes a magnetic bearing apparatus (but, instead would be based on the rotary member of a separate apparatus).

In response, the Examiner states, "...the Examiner does not try to incorporate two different machines into a new machine. The Examiner only use[s] the teaching of Muszynski to apply the cooling means (fan blades, cooling passage) to the magnetic bearing apparatus."

In response, Applicant maintains the argument set forth previously and also submits that even if, *arguendo*, Muszynski discloses cooling wind producing means, there is no teaching or suggestion of the specific claimed arrangement of the magnetic bearing apparatus. Specifically, as indicated previously, although Muszynski does discuss a rotary member, there is no teaching or suggestion that said rotary member of Muszynski constitutes a magnetic bearing apparatus.

Yet further, Applicant submits that the present invention, as recited in claim 1, can achieve, for example, a functionality beyond what is in the prior art, e.g., a self-cooling magnetic bearing apparatus.

At least based on the foregoing, Applicant maintains that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

§103(a) Rejection (Traxler /Muszynski / Millman) – Claim 2


First, Applicant maintains that claim 2 is patentable at least by virtue of its dependency from independent claim 1. Millman does not make up for the deficiencies of the other applied references.

Further, Applicant maintains the previous argument that one of ordinary skill in the art would not have been led to combine Millman with either Traxler or Muszynski at least because Millman is directed to a totally different technology area than that of the other applied references. *See Amendment dated February 8, 2007, pages 5-6.*

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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